

REMARKS

The Official Action mailed June 24, 2009, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to October 26, 2009. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 18, 2006.

The Applicant notes the *partial* consideration of the Information Disclosure Statement filed on May 4, 2006. Specifically, the Examiner lined through the following citations:

1. DE 694 30 284	03/22/1995	Family
2. BE 1007528	07/25/1995	Family
3. International Search Report for PCT/JP2004/016620.		

Next to the citation of DE '284, the Examiner has added the following: "No translation." Next to the citation of BE '528, the Examiner has added the following: "Not provided." Next to the citation of the International Search Report, the Examiner has added the following: "No translation." No further explanation is provided in the Official Action.

Regarding BE '528, although a copy of BE '528 does not appear in the Image File Wrapper, the Applicant respectfully submits that a copy of BE '528 was included with the Information Disclosure Statement filed May 4, 2006. As a courtesy to the Examiner, the Applicant resubmits herewith a copy of BE '528 filed on May 4, 2006.

The Applicant understands that the Examiner may be crossing through the above-referenced citations since these references were not provided with a translation.

However, with the submission of the courtesy copy of BE '528, the Image File Wrapper associated with the present application includes a copy of each of the references 1-3 noted above. For at least the reasons stated below, the Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449

evidencing consideration of the above-referenced references 1-3 from the Information Disclosure Statement filed May 4, 2006.

The Applicant respectfully submits that the citations noted above must be considered since they were cited on Form PTO-1449 in the IDS filed May 4, 2006, in full compliance with 37 CFR §§ 1.97 and 1.98. “An information disclosure statement filed in accordance with the provisions of 37 CFR § 1.97 and 37 CFR § 1.98 will be considered by the examiner assigned to the application” (MPEP § 609, emphasis added).

Also, MPEP § 609.04(a), Section III, states the following:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report.

Also, MPEP § 609.04(a), Section II, states that information which complies with 37 CFR § 1.97 and 1.98 but which is in a non-English language will be considered insofar as it is understood on its face, e.g., drawings, chemical formulas, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.

Further, although not in the English language, the International Search Report is provided in a standardized format. Specifically, the last two pages of the International Search Report includes English language information including the following: JP 07-177183, JP 06-252971, JP 2002-111754, JP 2003-087341 and JP 08-237313 are cited and categorized as “A” references, family data is provided for some of the references, paragraph citations are provided for some of the references, and a list of claims to which the reference is allegedly relevant is provided for each reference. Also, page 2 of the International Search Report includes information indicating that U.S. Patent No. 5,761,243; DE 694 30 284; BE 1007528 and EP 0 644 677 are in the family of JP 07-

177183 (this information was also provided in the body of the Information Disclosure Statement). As such, the references 1-3 should be considered for at least this reason.

Therefore, the Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the references 1-3 noted above.

A Correction to Previously Submitted Information Disclosure Statement is submitted herewith, which corrects a minor informality in the citation of EP 0 644 677. In the *Correction*, the Applicant requests that the attached Form PTO-1449 be initialed and that the previous erroneous citations be lined through.

Claims 1-11 were pending in the present application prior to the above amendment. Claims 1-3, 9 and 10 have been canceled without prejudice or disclaimer, and claim 4 has been amended to better recite the features of the present invention. The Applicant notes with appreciation the indication of the allowability of claims 4-8, and the allowance of claim 11. Accordingly, claims 4-8 and 11 are now pending in the present application, of which claims 4 and 11 are independent and all of which are allowed. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action objects to the specification and suggests that the specification be amended by changing “nonlinear” to “linear” in the paragraph beginning at page 9, line 9. In response, the specification has been amended in accordance with the Examiner’s suggestion. Accordingly, reconsideration and withdrawal of the objections are in order and respectfully requested.

Paragraph 4 of the Official Action objects to claims 4-8 and suggests that the claims be amended “to recite the elements included in transmitter separate than the receiver” and that a semicolon be inserted at the end of lines 5 and 15 of claim 4. In response, the Applicant has amended claim 4 in accordance with the Examiner’s suggestions. The Applicant respectfully submits that claim 4, as amended, is clear as to which features are part of the transmitter and which features are part of the receiver.

Accordingly, dependent claims 5-8 are also clear. Accordingly, reconsideration and withdrawal of the objections are in order and respectfully requested.

Paragraph 5 of the Official Action rejects claims 1, 2, 9 and 10 as obvious based on the combination of U.S. Publication No. 2003/0194017 to Woodworth and U.S. Publication No. 2007/0009061 to Kaku. Paragraph 6 of the Official Action rejects claim 3 as obvious based on the combination of Woodworth, Kaku and U.S. Patent No. 7,256,839 to Choi. In response, claims 1-3, 9 and 10 have been canceled without prejudice or disclaimer; therefore, the above-referenced rejections are now moot.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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